Colorado Water Quality Control Division

WATER QUALITY PERMITS

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PERMIT INACTIVATION POLICY WHERE A DISCHARGE REMAINS

Purpose:

To provide consistency to permit inactivations where a discharge continues following facility inactivation yet water quality standards and beneficial uses are maintained.

Policy/ Procedure:

A permit can be inactivated when a discharge remains if all the following conditions are met:

- 1) The permittee can demonstrate that water quality standards and beneficial uses of classified waters are not violated by the continuing discharge;
- 2) All activity at the site has ceased;
- 3) No treatment of any sort is required to demonstrate condition 1);
- 4) The District Engineer has visited the site and concurs with the inactivation.

Failure to demonstrate any of the above will be grounds for continuing to require a permit for the site.

One year of appropriate analytical data, supplied by the permittee, will be required for the demonstration of maintenance of standards and uses. The period of demonstration shall not begin until all site activities have ceased and at least monthly monitoring is required. The one year timeframe will allow for seasonal evaluation. If ambient instream data is not available and is felt to be critical to the demonstration, the permittee will be required to supply this data. Upon request for permit inactivation, the permitee shall be provided a letter within 30 days outlining the conditions of the demonstration.

Background:

Some permitted activities, such as mining, result in perpetual discharges which cannot be stopped. Some of the discharges, however, are not of a quality that will violate standards or impair existing uses once the day to day activities have ceased. Where this can be demonstrated, the interpretation is that a "discharge of pollutants" is not occurring.

Establishment of this policy will allow Division resources to concentrate on true pollution problems and may provide a message to potential permittees that a proposed activity may result in perpetual permit responsibility.